RECEIVED FEDERAL ELECTION COMMISSION

THE

## BRUTUS LAW GROUP PROFESSIONAL ASSOCIATION

2010 SEP -9 AM 11: 12

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OFFICE OF GENERAL COUNSEL

Email: Brutus@Brutuslaw.com 16801 NE 6<sup>th</sup> Avenue North Miami Beach, Florida 33152

Tel. (305) 899-0411

Fax (305) 974-4282

Phillip J. Brutus, Esquire

August 30, 2010

General Counsel's Office Federal Election Commission 999 E. Street, NW Washington, DC, 20463

Re: Compiaint of Ernest Pagenel against Phillip Brutus For Congress

MUR: 6347

#### **Dear General Counsel:**

The instant letter shall serve as the undersigned's formal response to the complaint filed by one Ernest Pagenel. In connection thereto, we are enclosing the Statement of Designation of Counsel.

By way of background, the Respondent would submit to the Commission that Mr. Pagenel was a well known operative of the Rudolph "Rudy" Moise for Congress committee. Mr. Pagenel, who is a good friend of the undersigned has since stated to several individuals including the undersigned that he did not file this complaint and that his signature was forged. In any event, until he formally withdraws this complaint, the undersigned would submit that the complaint was filled in had faith, whether by Mr. Pagenel or an imposter, in that the alleged biliboard was not a billboard; it was simple a vinyl banner boistad onto the top floor of a vacant building.

In addition, the expenditures for the banner in question were not due to be filed until the pre-primary report due on August 3, 2010. That the complainant filed the complaint, before the said report was due further demonstrates bad faith. The expenditure for the said banner was duly listed in the pre-primary report, which has since been filed with the commission. Attached herewith, please find the copy of the invoices for the same.

With regard to the end of year report for the year ending in 2009, please note that we have filed the same on in early 2010. For some reason, and as confirmed in our various telephone conversations with tuch support, the said report was not uploaded into the FEC database. The same view the compleaint was received, the undersigned sparry upwards of 4 hours on the telephone with tech support in an attempt to address the uploading failure. With tech support's guidence, the undersigned unclosed and reclosed the report to upload it. This procedure overwrote the original date the said report was initially completed. To date, the report shows a date of filing on the undersigned's computer. Enclosed, please find the copy of the latter's computer screen showing the status of the said report as filed. Because the file was still not showing that it was filed, the undersigned agreed to reenter the unitemized entries after the election. The undersigned would submit that the same will be filed by August 31, 2010.

Lastly, the undersigned would request that this complaint he dismissed as it was part of a strategy of an adversary to detract the undersigned's campaign. Further, the alleged complaint has denied filing it; the undersigned would, therefore, request that he be contacted to confirm the improper use of his name. More importantly, the complaint did not and could not point to any improprieties, the issues raised therein simply pointing to a report that was filed by the undersigned, although not officially uploaded into the PEC's database. Furthermore, the issue of the billboard was no issue at all, as borne out by the invoices in question. The undersigned would request a formal dismissal of the complaint for the reasons stated hereinabove.

Yours Very Truly

PJB/gs

Enc.

FEC FORM 3

# REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee

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Signature of Treasu	rer Electronically File	d by Phillip Jay B	rutus		ete 08	18 2010		
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Office		T	<del></del>			FEC FORM 3		
Use Only						(Revised 02/2003)		

#### **SUMMARY PAGE**

of Receipts and Disbursements 2/12 FEC Form 3 (Revised 02/2003) Write or Type Committee Name PHILLIP BRUTUS FOR CONGRESS 2009 2009 Report Covering the Period: From: **COLUMN A COLUMN B** This Period **Election Cycle-to-Date** 6. Net Contributions (other than loans) (a) Total Cantributions 11160.00 39190.00 (other than loans) (from Line 11(e))..... (b) Total Contribution Refunds 0.00 0.00 (from Line 25(t))..... (c) Net Contributions (wither titlen loans) 11160.00 39190.00 (sublanct Lime 6(b) from Line 6(a))....... 7. Net Operating Extranditures (a) Total Operating Expenditures 36101.62 9024.00 (from Line 17)...... (b) Total Offsets to Operating 1500.00 1500.00 Expenditures (from Line 14)..... (c) Net Operating Expenditures 7524.00 34601.62 (subtract Line 7(b) from Line 7(a))...... Cash on Hand at Close of 4313.38 Reporting Period (from Line 27).... 9. Debts and Obligations Owed TO the Committee (Itemize all on 0.00 Schedule C and/or Schedule D)...... 10. Debts and Obligations Owed BY the Gorornities (lipmize all on 0.00 Schedule C sealer Schedule D)........ For further information contact: Federal Election Commission 999 E Street, NW Washington, DC 20463

> Toll Free 800-424-9530 Local 202-694-1100

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#### **DETAILED SUMMARY PAGE**

of Receipts

3/12 FEC Form 3 (Revised 12/2003) Write or Type Committee Name PHILLIP BRUTUS FOR CONGRESS 09 30 2009 M M 8 B 7 2009 Report Covering the Period: From: **COLUMN A COLUMN B** I. RECEIPTS **Total This Period Election Cycle-to-Date** 11. CONTRIBUTIONS (other than loans) FROM: (a) Individuals/Persons Other Than **Political Committees** 5220.00 29760.00 (i) Itemized (use Schedule A)... 1290.00 4730.00 (ii) Unitemized.....(iii) TOTAL of contributions 6510.00 34490.00 from individuals..... 0.00 0.00 (b) Political Fieldy Committee (c) Other Political Committees 0.00 50.00 (such as PACS)... 4650.00 4650.00 (d) The Candidate...... (a) TOTAL CONTRIBUTIONS (other than loans) 11160.00 39190.00 (add Lines 11(a)(iii), (b), (c), and (d)) 12. TRANSFERS FROM OTHER 0.00 0.00 **AUTHORIZED COMMITTEES.** 13. LOANS (a) Made or Guaranteed by the 0.00 0.00 0.00 0.00 (b) All Other Loans. (c) TOTAL LOANS 0.00 0.00 (add Lives 13(a) and (hi)..... 14. OFFSETS TO OPERATING EXPENDITURES 1500.00 1500.00 (Refunds, Rebetes, etc.).. 15. OTHER RECEIPTS 0.00 0.00 (Dividenda. Interest. etc.)..... 16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4)........... 12660.00 40690.00

### **DETAILED SUMMARY PAGE**

of Disbursements

FEC Form 3 (Revised 02/2003) 4/12 **COLUMN A COLUMN B** IL DISBURSEMENTS **Total This Pesied Election Cycle-to-Date** 9024.00 36101.62 17. OPERATING EXPENDITURES..... 18. TRANSFERS TO OTHER 0.00 0.00 **AUTHORIZED COMMITTEES...** 19. LOAN REMAYMENTS: (a) Of Loans Made or Guaranteed 0.00 0.00 by the Candidate.... 0.00 0.00 (b) Of all Other Loans..... (c) TOTAL LOAN REPAYMENTS 0.00 0.00 (add Lines 19(a) and (b))..... 20. REFUNDS OF CHATRIBUTIONS TO: (a) Individuals/Anreons Ofter 0.00 0.00 Than Political Committees..... 0.00 0.00 (b) Political Party Committees. (c) Other Political Committees 0.00 0.00 (such as PACs)...... (d) TOTAL CONTRIBUTION REFUNDS 0.00 0.00 (add Lines 20(a), (b), and (c))...... 0.00 275.00 21. OTHER INUBURSINEUNTS... 22. TOTAL DISBURSEMENTS 9024.00 36376.62 (add Lines 17, 18, 19(c), 20(d), and 21) **HL CASH SUMMARY** 677.38 23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD... 12660.00 24. TOTAL RECEIPTS THIS PERIOD (from Line 16, pages)...... 13337.38 25. SUBTOTAL (add Line 23 and Line 24)..... 9024.00 26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22)...... 27. CASH ON HAND AT CLOSE OF REPORTING PERIOD 4313.38 (subtract Line 29 flare bine 25)-....

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FEC Schedule B ( Form 3 ) (Revised 02/2008